

## REMARKS

The present Amendment is in response to the Examiner's Office Action (hereinafter referred to as "the Office Action") mailed August 10, 2007. By this paper, claims 1, 21, and 32 are amended, and no claims are added or canceled. Claims 1-18 and 21-42 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicants note that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments from elements purported by the Examiner to be taught by the cited references. Such remarks, or a lack of remarks, and amendments are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicants, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

## II. PRIOR ART REJECTIONS

### A. Rejection Under 35 U.S.C. §102(a/b/e)

#### a. Claims 1 and 21-22

The Examiner rejects claims 1, 21, and 22 under 35 U.S.C. § 102(a)<sup>1</sup> as being anticipated by *Schunk* (United States Patent Publication No. 2003/0053769). Applicants respectfully note at the outset that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *MPEP* § 2131.

As shown above, Applicants have amended claim 1 to recites in part “a spherical lens; and an aspherical lens configured to directly contact an optical fiber; and wherein said lenses and said optical fiber are situated on a common optical axis.” (Emphasis added). Support for such amendments is found at least in Figures 2-4 of the originally filed specification.

In like manner, claim 21 has been amended to recite in part “means for spherically focusing light from a light source; means for aspherically focusing light from said means for spherically focusing light; and an optical medium configured to guide the aspherically focused light from said means for aspherically focusing light, the optical medium contacting the means for aspherically focusing light, wherein the means for spherically focusing light, the means for aspherically focusing light and the optical medium are situated on a common optical axis.” (Emphasis Added). Support for such amendments is found at least in Figures 2-4 of the originally filed specification.

In sharp contrast, the Office Action has not shown that *Schunk* teaches or discloses a spherical lens, an aspherical and an optical fiber lens situated on a common optical axis and has not shown that *Schunk* teaches or discloses the means for spherically focusing light, the means for aspherically focusing light and an optical medium are situated on a common optical axis. For example, the Examiner alleges that Figure 1 of *Schunk*, which is primarily used in rejecting claims 1 and 21, includes a purported spherical lens 31 and an aspherical lens 5. However, even

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<sup>1</sup> Because *Schunk* is only citable under 35 U.S.C. § 102(a) and (e), Applicants do not admit that *Schunk* is in fact prior art to the claimed invention but reserve the right to swear behind *Schunk* if necessary to remove it as a reference.

assuming that the characterization of lenses 31 and 5 is correct, it is clear from Figure 1 of *Schunk* that lens 31, lens 5 and optical fiber 41 are not situated on a common optical axis.

In fact, *Schunk* teaches that these elements do not share a common optical axis. For example, paragraph [0048] of *Schunk* teaches "that the optical axis 7 of the fiber core 41 coincides with the optical axis of the coupling lens 5 and the photodiode 2, so that these elements are centrally aligned with each other. Accordingly, the transmitter 3 is located off-center next to the photodiode on the substrate 1." Paragraph [0049] says that lens 31 is located directly on the transmitter 3. Accordingly, lens 31 cannot be situated on the common optical axis 7 along with lens 5 and fiber 41.

In light of the foregoing discussion, Applicants respectfully submit that the Examiner has not established that claims 1 and 21 are anticipated by *Schunk*, at least because the Examiner has not established that the identical invention is shown in *Schunk* in as complete detail as is contained in claims 1 and 21, and because the Examiner has not shown that *Schunk* discloses the elements of those claims arranged as required by the claims. For at least the foregoing reasons, Applicants respectfully submit that the rejection of claims 1 and 21 should be withdrawn. For the same reasons, the rejection of dependent claim 22 should be withdrawn.

b. **Claim 32**

The Examiner rejects claim 32 under 35 U.S.C. § 102(b) as being anticipated by *Koops* (United States Patent Publication No. 2002/0009259). As shown above, Applicants have amended claim 32 to recite a concave aspherical lens along with the other elements of the claim. In contrast, the Office Action has not shown that *Koops*, either singularly or in combination with any other reference teaches the limitations of claim 32. For example, Figure 1 of *Koops*, which is primarily used in rejecting claim 32, does not show that a concave aspherical lens and such is not mentioned in *Koops*.

In light of the foregoing discussion, Applicants respectfully submit that the Examiner has not established that claim 32 anticipated by *Koops*, at least because the Examiner has not established that the identical invention is shown in *Koops* in as complete detail as is contained in claim 32, and because the Examiner has not shown that *Koops* discloses the elements of those claims arranged as required by the claims. For at least the foregoing reasons, Applicants

**B. Rejection Under 35 U.S.C. § 103**

**a. Claim 1**

The Examiner rejects claim 1 under 35 U.S.C. § 103 as being unpatentable over *Yoon et al.* (U.S. Patent Publication No. 2003/0108296). Applicants respectfully note at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Office Action to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143.

As noted above, Applicants have amended claim 1 to recite in part "a spherical lens; and an aspherical lens configured to directly contact an optical fiber; and wherein said lenses and said optical fiber are situated on a common optical axis." (Emphasis added). Support for such amendments is found at least in Figures 2-4 of the originally filed specification.

*Yoon*, however, does not teach or disclose the arrangement of claim 1. For example, Figure 2 and the other Figures of *Yoon* do not show that the purported spherical lens 5, the purported aspherical lens 1b and the purported fiber 1b situated on a common optical axis as recited in claim 1. Indeed, such would be impossible because of the inclusion of reflector 4 between the purported lenses.

Accordingly, the Examiner has failed to show that *Yoon* teaches or discloses each and every element of claim 1 and therefore not established a *prima facie* case of obviousness. The Applicants therefore respectfully request that the obviousness rejection be withdrawn from claim 1.

**b. Claims 2-4, 6, 8, and 10-16, 23-25 and 42**

The Examiner rejects claims 2-4, 6, 8, 10-18, 23-25, and 42 under 35 U.S.C. § 103 as being unpatentable over *Schunk*. Claims 2-4, 6, 8, 10-16, 23-25, and 42 variously depend from claims 1 or 21, which, as mentioned previously, have been amended herein. By virtue of their dependence from independent claims 1 or 21, claims 2-4, 6, 8, 10-16, 23-25, and 42 each require all of the limitations of claims 1 or 21. As discussed above however, the Office Action has not established that all of the limitations of claims 1 or 21 are taught or suggested by *Schunk*. Applicants thus submit that the Examiner has failed to establish a *prima facie* case of

obviousness with respect to claims 2-4, 6, 8, 10-16, 23-25, and 42, at least because, even if the *Schunk* device is modified in the purportedly obvious fashion advanced by the Office Action, the resulting combination fails to include all the limitations of the rejected claim. Applicants thus respectfully submit that the rejection of claims 2-4, 6, 8, 10-16, 23-25, and 42 should be withdrawn.

c. **Claims 17-18**

The Examiner rejects claims 17-18 under 35 U.S.C. § 103 as being unpatentable over *Schunk*. As listed above, independent claim 17 as presently pending recites in part "wherein said spherical ball lens and said aspherical lens are situated on a common optical axis." As previously discussed in relation to claims 1 and 21, *Schunk* does not teach that a spherical ball lens and an aspherical lens are situated on a common optical axis, but instead teaches that the purported lenses are not situated on a common optical axis. Applicants thus submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 17-18, at least because, even if the *Schunk* device is modified in the purportedly obvious fashion advanced by the Office Action, the resulting combination fails to include all the limitations of the rejected claim. Applicants thus respectfully submit that the rejection of claims 17-18 should be withdrawn.

d. **Claims 33-40**

The Examiner rejects claims 33-40 under 35 U.S.C. § 103 as being unpatentable over *Koops*. Claims 33-40 depend from claim 32, which, as mentioned previously, has been amended herein. By virtue of their dependence from independent claim 32, claims 33-40 each require all of the limitations of claim 32. As discussed above however, the Office Action has not established that all of the limitations of claim 32 are taught or suggested by *Koops*. Applicants thus submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 33-40, at least because, even if the *Koops* device is modified in the purportedly obvious fashion advanced by the Office Action, the resulting combination fails to include all the limitations of the rejected claim. Applicants thus respectfully submit that the rejection of claims 33-40 should be withdrawn.

### **III. Allowed Subject Matter**

The Examiner's allowance of claims 26-31 is appreciated. Applicants wish to thank the Examiner for the careful review and allowance of those claims.

The Applicant's submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicant agrees with the Examiner that the claimed invention of claims 26-31 is patentable over the prior art, but respectfully disagrees with the Examiners statement of reasons for allowance as set forth in Office Action. Applicant submits that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicant's do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

The Office Action has indicated that claims 5, 7, 9, and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed above, claim 1, from which claims 5, 7, 9, and 41 depend, is distinguished from the cited art for the reasons discussed above. As a result, Applicants submit that claims 5, 7, 9, and 41 are now in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended or presently pending are in allowable form and that every issue raised by the Office Action has been addressed. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorneys.

Dated this 7<sup>th</sup> day of December, 2007.

Respectfully submitted,



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